

**DENTISTRY EXAMINING BOARD
MINUTES
SEPTEMBER 7, 2011**

- PRESENT:** Linda Bohacek, RDH; Mark Braden, DDS (arrived at 8:37); Eileen Donohoo, RDH; John Grignon, DDS; Adriana Jaramillo, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; William Stempski, DDS
- STAFF:** Kelli Kaalele, Bureau Director (excused at 10:00 a.m.); Tom Ryan, Bureau Director (at 10:13 a.m.); Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff
- GUESTS:** Cathy Martin, RDH, Hygiene ERC CRDTS; Kim Laudenslager, RDH, and Steve Holcomb, DMD, CRDTS; Warren LeMay, Division of Public Health; Mara Brooks, Steven Stoll and Mark Paget, WDA; Melissa Deyo, Jennifer Kreider and Peter Theo, WDHA; Lori Pelke, Midwest Dental; Jeff Davis and Steve Sewell, WSOMS; Mary Hoffman, MATC Faculty; Matt Crespín and Alex Eichenbaum, CHAW

CALL TO ORDER

Lyndsay Knoell, Vice Chair, called the meeting to order at 8:30 a.m. A quorum of eight (8) members was confirmed.

PLEDGE OF ALLEGIANCE

The Board members, staff and guests rose and recited the Pledge of Allegiance

ADOPTION OF AGENDA

Amendments:

- Items H6, H7 and H8- insert additional information after page 108
- Item K1 – REQUEST FOR DELEGATED AUTHORITY TO RESOLVE 05 DEN 133 – insert after page 120
- Item O –DELIBERATION OF PROPOSED STIPULATIONS... - insert after page 138:
 - 2) 07 DEN 079 David Cameron Wygle, DDS
 - a) Attorney: Kim Kluck
 - b) Case Advisor: Kirk Ritchie
- Item R – DELIBERATION OF PROPOSED ADMINISTRATIVE WARNING(S) – insert after page 156:
 - 3) 07 DEN 024 (I.S.)
 - a) Attorney: Kim Kluck
 - b) Case Advisor: Kirk Ritchie
- Item U – insert after Page 188:

- 1) 10 CV 749 Remand of Variance to Proposed ALJ Decision regarding Jack Elder, DDS
- Case Status Report – insert at the end of the agenda in closed session
 - Updated Board Roster – for Board information only

MOTION: Linda Bohacek moved, seconded by Kirk Ritchie, to adopt the agenda as amended. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES

PUBLIC HEARING ON PROPOSED CHANGES TO WIS. ADMIN. CODE § DE 1, 2, 6, 7 AND 13

Lyndsay Knoell called the public hearing to order at 8:34 a.m. Mara Brooks and Steven Stoll of the Wisconsin Dental Association presented testimony in favor of the proposed changes and suggested some language changes. Steve Sewell, WSOMS, testified regarding the definition of “full time faculty.” The Board will take all testimony under consideration. Lyndsay Knoell adjourned the public hearing at 8:58 a.m.

BOARD CONSIDERATION OF CLEARINGHOUSE AND PUBLIC COMMENTS

MOTION: Lyndsay Knoell moved, seconded by John Grignon, to amend the proposed language in Ch. DE 13.03(3) in the second sentence to, “A licensee may substitute credit hours of college level courses related to the practice of dentistry or medicine for the required continuing education credit hours.” Motion carried unanimously.

MOTION: Linda Bohacek moved, seconded by Eileen Donohoo, to revise the proposed language in Ch. DE 13.03(5) to, “Active enrollment in an accredited post-doctoral dental residency training program for at least 12 months of the current licensure cycle will be accepted as meeting the required 30 credit hours of continuing education.” Motion carried unanimously.

MOTION: Sandra Linhart moved, seconded by Linda Bohacek, to amend the proposed language in Ch. DE 13.05(2)(a) to, “The subject matter of the continuing education program relates to the clinical practice of dental hygiene or the practice of medicine.” Motion carried unanimously.

MOTION: Linda Bohacek moved, seconded by John Grignon, to amend the proposed language in Ch. DE 1.02(2) in the second sentence to, “Hours of practice must be performed in private practice, accredited post-doctoral dental residency training,” and to replace all references to “post-graduate” to “post-doctoral” throughout the text of the proposed rule changes. Motion carried unanimously.

- MOTION:** Linda Bohacek moved, seconded by Kirk Ritchie, to revise the proposed language in Ch. DE 2.015(2)(a) to, “Practice dentistry only within the educational facility that is affiliated with the accredited post-doctoral residency training program or accredited school of dentistry located in this state. Motion carried unanimously.
- MOTION:** Linda Bohacek moved, seconded by Kirk Ritchie, that the Board will consider the definition of full time faculty on a case-by-case basis. Motion carried unanimously.
- MOTION:** Linda Bohacek moved, seconded by Kirk Ritchie, to revise the proposed language in Ch. DE 20.3 (3) to “A dentist or dental hygienist who fails to meet the requirements under subs. (1) (a) to (d) and (2) by the renewal date shall cease and desist from dental or dental hygiene practice.” Motion carried unanimously.
- MOTION:** Eileen Donohoo moved, seconded by Adriana Jaramillo, to amend the proposed language in Ch. DE 2.04(1)(h) to, “ The applicant has disclosed all discipline which had ever been taken against the applicant in any jurisdiction shown in reports from the national practitioner data band and the American Association of Dental Boards.” Motion carried unanimously.
- MOTION:** Linda Bohacek moved, seconded by Kirk Ritchie, to adopt the Clearinghouse changes as written. Motion carried unanimously.

ADMINISTRATIVE RULES REPORT

The Board noted this report. Lydia Thompson explained the rules process.

APPROVAL OF MINUTES OF JULY 6, 2011 AND AUGUST 12, 2011

- MOTION:** Linda Bohacek moved, seconded by John Grignon, to approve the minutes of July 6, 2011 as written. Motion carried unanimously.
- MOTION:** Linda Bohacek moved, seconded by Eileen Donohoo, to approve the minutes of August 12, 2011 as written. Motion carried unanimously.

SECRETARY MATTERS

No report at this time.

PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Division of Enforcement staff presented the following:

- J. Charles Mesic, DDS, 10 DEN 019
- David Cameron Wygle, DDS, 07 DEN 079

DENTAL AND DENTAL HYGIENE EXAMINATION SEASON AND EXAM CHANGES FOR 2012 AND APPEARANCES BY STEVE HOLCOM, DMD, AND KIM LAUDENSLATER, RDH FROM CRDTS

Representatives from the Central Regional Dental Testing Services (CRDTS), Steve Holcom, DMD, and Kim Laudenslager, RDH, addressed the Board. CRDTS offers the traditional examination format, however many schools have opted for the Curriculum Integrated Format (CIF). The vast majority of the current regional graduates that CRDTS examined in 2011 have successfully completed the CIF examination and were ready for licensure upon graduation.

UPDATE ON NERB AND ADEX ACTIVITIES APPEARANCE BY NAN KOSYDAR DREVES, RDH

Nan Kosydar Dreves briefly addressed the Board and encouraged them to consider being examiners for the regional examinations. Due to a scheduling conflict, Ms. Dreves will be re-scheduled to present to the Board in November.

REQUEST FOR DELEGATED AUTHORITY TO RESOLVE CASE 05 DEN 113

DOE Attorney Supervisor Jeannette Lytle appeared before the Board regarding the possible delegation of authority to resolve case 05 DEN 113. The Board will discuss this matter in closed session.

BUREAU DIRECTOR MATTERS

Tom Ryan stepped in for Kelli Kaalele.

Board Appointment Updates

Several applications for public members have been received at the Governor's Office and are being reviewed. Mark Braden has replaced Blane Christman. Lyndsay Knoell will be Acting Chair until the elections in November.

2012 Meeting Dates

The 2012 meeting dates are January 4, March 14, May 2, July 11, September 5 and November 7. The Board usually meets the first Wednesday of the month and questioned the March 14th meeting date and asked for clarification of the change in schedule.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Introduction of Dr. Mark Braden

Dr. Mark Braden introduced himself at the last Board meeting. He has now been confirmed by the Senate and is a voting member. Dr. Braden replaced Dr. Blane Christman.

Recognition of Dr. Blane Christman

Lyndsay Knoell acknowledged Dr. Blane Christman for his service to the Board both as a member and most recently as Chair.

CONSIDERATION OF LETTER FROM AGD PACE REGARDING CONFIRMATION OF COURSES AND REQUEST TO RECOGNIZE AGD PACE APPROVAL IN DENTAL PRACTICE ACT

The Board reviewed the correspondence from the Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE). PACE approved CE courses meet the Board's CE criteria.

UPDATE REGARDING THE SUBCOMMITTEE ON THE SCOPE OF PRACTICE OF DENTAL HYGIENE

Lyndsay Knoell wants to move forward with the Subcommittee even though there is not yet a public member. Dr. Knoell wants the Subcommittee to meet prior to the next Board meeting if possible and at the latest, immediately following the November Board meeting. Subcommittee members are Lyndsay Knoell, Adriana Jaramillo, Linda Bohacek and Eileen Donohoo.

DENTAL HYGIENE CLINICAL EXAMS ANALYSIS

Linda Bohacek stated there is a need to have a formal analysis done of all the dental hygiene regional examinations, similar to the analysis that was done for the dental regional examinations. Eileen Donohoo offered to gather some initial information regarding the CITA and SRTA examinations. The Office of Education and Examinations will consider undertaking formal analysis after the first of the year.

UPDATE FROM SLEEP APNEA WORK GROUP

The sleep apnea work group members are Adriana Jaramillo, Sandra Linhart and Eileen Donohoo. Adriana Jaramillo reported on the consensus of the sleep apnea work group.

- 1) The treatment, monitoring and follow-up for sleep breathing disorders are within the dentistry scope of practice.
- 2) Diagnosis and comprehensive care require a team approach with the dentist and a sleep disorder physician.

- 3) As a Board we adopt the recommendations of the American Academy of Dental Sleep Medicine standards of practice.

Legal Counsel Lydia Thompson recommended that she review the dentistry scope of practice and the standards of care for sleep apnea and bring this information to the next Board meeting. The Board tabled the discussion until this information is available for review.

UPDATE FROM BLEACHING WORK GROUP

The bleaching work group members are Adriana Jaramillo, Sandra Linhart and Eileen Donohoo. Bleaching safety and concerns include:

- 1) Masking of dental problems
- 2) Side effects on adjacent structures: hard and soft tissues
- 3) Pregnancy risk
- 4) Risks on patients with other restorations that can be damaged by whitening products

Other issues include:

- 1) The definition of dentistry
- 2) Altering tooth structures
- 3) Diagnosis of discoloration
- 4) Tooth color change can be a symptom of tooth disease

The consensus of the Board is that teeth whitening is the practice of dentistry.

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to approach Secretary Ross to contact the Attorney General's office to review the former AG Opinion regarding teeth whitening. Lyndsay Knoell and Lydia Thompson will be the Board's liaisons with the Department. Motion carried. Linda Bohacek and Eileen Donohoo dissented.

UPDATE FROM LASER USE BY HYGIENISTS WORK GROUP

Adriana Jaramillo reported on the consensus of the workgroup on laser use by hygienists.

- 1) A position statement will suffice instead of an amendment.
- 2) Regulation is not needed for the use of lasers. It is the role of the dental professional to decide, based on research, the methodology to treat disease.

This is a currently evolving area and at this time there is no established scientific evidence that demonstrates the use of lasers is superior to scaling and root planing. After discussion, the position statement was referred back to the work group for further clarification and recommendations.

SPEAKING ENGAGEMENTS, TRAVEL, PUBLIC RELATIONS REQUESTS

The Board reviewed the information from ADEX regarding the House of Representatives meeting.

MOTION: Lyndsay Knoell moved, seconded by John Grignon, to authorize Eileen Donohoo, to attend the ADEX House of Representatives meeting to be held November 6, 2011 in Rosemont, IL. Motion carried unanimously.

Tom Ryan reminded the Board that travel must be fully funded with no cost to the State.

LIAISON REPORTS

There were no reports. Lyndsay Knoell appointed William Stempski as the AADB liaison and Eileen Donohoo as the CRDTS liaison.

INFORMATIONAL ITEMS

The information items were noted.

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENTS

There were no comments.

CLOSED SESSION

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll call vote: Linda Bohacek-yes; Mark Braden-yes; Eileen Donohoo-yes; John Grignon-yes; Adriana Jaramillo-yes; Lyndsay Knoell-yes; Sandra Linhart-yes; Kirk Ritchie-yes; William Stempski-yes. Motion carried unanimously. Open Session recessed at 12:28 p.m.

RECONVENE TO OPEN SESSION

MOTION: Lyndsay Knoell moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:56 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

J CHARLES MESEC, DDS

10 DEN 019

MOTION: Eileen Donohoo moved, seconded by Kirk Ritchie, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against J. Charles Mesic, DDS. Motion carried unanimously.

DAVID CAMERON WYGLE, DDS

07 DEN 079

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against David Cameron Wygle, DDS. Motion carried unanimously.

ORDER FIXING COSTS

JAMES A BORRER, DDS

08 DEN 001

MOTION: Adriana Jaramillo moved, seconded by Mark Braden, to adopt the Order Fixing Costs in the disciplinary proceedings against James A. Borrer, DDS. Motion carried unanimously.

ADMINISTRATIVE WARNING

R.D.K., DDS

10 DEN 109

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to issue an administrative warning to R.D.K., DDS, in case **10 DEN 109**. Motion carried unanimously.

R.E.B., DDS

11 DEN 025

MOTION: John Grignon moved, seconded by Lyndsay Knoell, to issue an administrative warning to R.E.B., DDS, in case **11 DEN 025**. Motion carried unanimously.

**I.S., DDS
07 DEN 024**

MOTION: Lyndsay Knoell moved, seconded by Adriana Jaramillo, to reject the administrative warning and to close case **07 DEN 024** against respondent I.S., DDS, for no violation. Motion carried unanimously.

MONITORING

GRETCHEN EVENSON, DDS

MOTION: Adriana Jaramillo moved, seconded by Linda Bohacek, to grant the request for a stay of suspension to Gretchen Evenson, DDS, and to increase the urine screens to 52 per year. The limitation of no DEA registration remains along with all other provisions of the 2006 Order. Motion carried. William Stempki was excused during deliberation and abstained from voting.

**REMAND OF VARIANCE TO PROPOSED ALJ DECISION REGARDING
JACK ELDER, DDS**

MOTION: Linda Bohacek moved, seconded by Kirk Ritchie, to accept the Circuit Court remand as outlined in the Order For Remand dated April 13, 2011 and revoke the license of Jack Elder, DDS and require that he may petition the Board for reinstatement upon providing evidence satisfactory to the Board both orally and in writing, as the Board deems necessary, that reinstatement to practice will not constitute a danger to the public or a patient. Such evidence shall include the successful completion of a dental ethics course at a provider approved by the Board and a notarized affidavit that reinstatement to practice will not constitute a danger to the public or patient. All other parts of the order remain in effect. Motion carried. Sandra Linhart was excused during deliberation and abstained from voting.

CASE CLOSINGS

MOTION: Lyndsay Knoell moved, seconded by John Grignon, to close the following cases:

10 DEN 123	No Violation against respondent E.I.
10 DEN 118	No Violation against respondent C.M.
11 DEN 017	No Violation against respondent D.L.
11 DEN 037	No Violation against respondent N.M.
11 DEN 053	No Violation against respondent J.G.

Motion carried unanimously.

ADJOURNMENT

MOTION: Lyndsay Knoell moved, seconded by John Grignon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:04 p.m.